

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re** § **CASE NO. 09-36638**  
§  
**MSB ENERGY, INC.,** § **Chapter 11**  
§  
§ **Judge Jeff Bohm**  
**Debtor.** §  
§  
§

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**DEBTOR'S MOTION TO EXTEND EFFECTIVE DATE OF PLAN OF  
REORGANIZATION (EXPEDITED HEARING REQUESTED ON JUNE 29, 2010)**

MSB Energy, Inc., debtor and debtor-in-possession ("Debtor"), files this Motion to Extend Effective Date of Plan of Reorganization, and would respectfully show the Court as follows:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1334. This matter is a core proceeding as defined in 28 U.S.C. § 157(b)(2). Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. The Court possesses the requisite authority to grant the relief described herein pursuant to Section 105(a) of the Bankruptcy Code and the Debtor's Third Amended Plan of Reorganization, as modified.

**II. FACTUAL BACKGROUND**

2. On June 2, 2009 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11, Title 11, United States Code in the United States Bankruptcy Court for the Eastern District of Texas. Pursuant to 11 U.S.C. §§ 1107(a) and 1108, the Debtor is operating its businesses and managing its property as a Debtor-in-Possession.

3. On March 3, 2010, the Court entered an Order confirming the Debtor's Third Amended Plan of Reorganization (the "Confirmation Order", Docket No. 742), as modified by the First Modification to Debtor's Third Amended Plan of Reorganization (the "Modification", Docket No. 707). The Confirmation Order also contained provisions modifying the plan of reorganization. The Third Amended Plan of Reorganization, as modified by the Modification and the Confirmation Order, is hereinafter referred to as the "Plan".

4. Under the Plan, payment of all allowed claims and execution of all Plan transactions must occur no later than the "Effective Date", which is defined in section 1.28 of the Plan. Under that definition, the Effective Date must "occur no later than 120 days after the Confirmation Date, or such later date as the Bankruptcy Court may approve after motion filed by the Debtor". The 120<sup>th</sup> day after the date of entry of the Confirmation Order is July 1, 2010.

5. By this motion, the Debtor seeks to extend the Effective Date for the following reasons:

a. **Sale of properties by auction.** The Debtor has placed several properties for sale with EnergyNet.com, an internet marketplace for oil, gas and mineral auctions. A list of these properties is attached hereto as Exhibit "A". These properties were first listed for sale online on June 3, 2010, and although some bids have been received, the Debtor and EnergyNet.com believe that an extension of the time for bidding for 2-4 weeks will result in higher and more bids.

b. **Opening of Freedom Pipeline.** The Debtor and Freedom Pipeline, LLC have just reached a new agreement to re-open the gas pipeline that transports gas from six of the Debtor's North Texas wells to market. Due to various disputes

between the Debtor and Freedom Pipeline during this case, this pipeline has been unavailable to the Debtor since the beginning of 2010, which resulted in the shutting of these wells. Now that these wells have been reconnected to a gas transportation pipeline, they are marketable for sale. The Debtor wishes to sell these wells in order to make payments due to creditors under the Plan, but cannot market and sell the wells in the time available before July 1<sup>st</sup>. The Debtor estimates that the time necessary to market and close the sale of these wells at auction or to individual buyers will 60-90 days.

c. **Severance tax refund.** The Debtor is entitled to a severance tax refund from the State of Texas in the amount of \$348,133.14. The State acknowledges this obligation. The Debtor has hired a consultant, Trinity Petroleum Consultants, Ltd., to complete the administrative process necessary to receive the refund. The consultant estimates that it will take approximately sixty days to complete this process.

d. **Sale of Laurel Minerals lease.** This lease is part of the properties currently listed for sale with EnergyNet.com. However, it is has not drawn any bids due to long-standing title problems that came with the property at the time the Debtor purchased it from the bankruptcy estate of Reichmann Petroleum Corporation. On June 16, 2010, the Debtor finally resolved these problems by agreeing to a “Stipulation of Interest” with ConocoPhillips Company, the operator of the fifteen wells on this lease in which the Debtor has an interest. The Debtor is now waiting for ConocoPhillips to complete an accounting of the joint interest

billings and net revenue funds related to these stipulated interests, at which point the Debtor will have the information necessary to fully inform potential buyers of the market value of its interests in these wells, which should lead to renewed bidding and a sale within 2-4 weeks.

e. **Other property sales.** The Debtor owns other mineral interests not included in the above-referenced sales that it is also trying to sell in order to fund Plan payments. The most valuable property among these is the “deep rights” on the Peal Ranch lease. The Debtor recently has received interest in these deep rights from individual buyers that could lead to a sale within 30-60 days.

6. If the Debtor is given an extension of the Effective Date to accomplish all the above actions, it should receive the funds necessary to make the payments due to creditors under the Plan. Without such an extension, there is unlikely to be enough funds available to make significant payments to unsecured creditors. The Debtor seeks a minimum extension of the Effective Date of sixty days and a maximum of ninety days.

7. The Debtor has requested an expedited hearing on this Motion on June 29<sup>th</sup>, 2010, pursuant to a Request for Expedited Hearing filed concurrently herewith.

WHEREFORE, the Debtor requests the Court to enter an order approving the extension of the Effective Date for 60-90 days, and for such other and further relief as this Court may deem just and proper.

DATED: June 23, 2010.

Respectfully submitted,

**WRIGHT GINSBERG BRUSILOW P.C.**

By: /s/ Paul B. Geilich

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on June 23, 2010, a true and correct copy of the foregoing *Motion to Extend Effective Date of Plan of Reorganization* was served via the ECF system of the Bankruptcy Court on the persons named below via email and/or certified mail and/or Federal Express, and also served via first class United States mail, postage prepaid on each of the parties on the attached service list.

/s/ Paul B. Geilich  
Paul B. Geilich

## June, 2010 Sale Minimums

LEASE	WI	NRI	County	Minimum
ARCO FEE #2	0.405	0.30375	Hardin	<b>\$700,000</b>
DOTY JACKSON #4	0.405	0.313242	Hardin	
DOTY JACKSON A-1	0.405	0.30375	Hardin	
DOTY JACKSON C #5	0.405	0.313242	Hardin	
LAWRENCE #1H	0.1875	0.100625	Johnson	<b>\$800,000</b>
LAWRENCE #2H	0.25	0.1875	Johnson	
PANNELL #1H	0.125	0.09375	Johnson	
ROSS #1H	0.045625	0.034219	Johnson	
LAUREL MINERALS # 1	0.03892954	0.029197	Zapata	<b>\$500,000</b>
LAUREL MINERALS # 2	0.016425	0.012319	Zapata	
LAUREL MINERALS # 3	0.0097916	0.007344	Zapata	
LAUREL MINERALS # 4	0.001125	0.000844	Zapata	
LAUREL MINERALS # 5	0.039375	0.029531	Zapata	
LAUREL MINERALS # 7	0.039375	0.029531	Zapata	
LAUREL MINERALS # 8	0.039375	0.029531	Zapata	
LAUREL MINERALS # 9	0.039375	0.029531	Zapata	
LAUREL MINERALS #10	0.039375	0.029531	Zapata	
LAUREL MINERALS #12	0.039375	0.029531	Zapata	
LAUREL MINERALS #14	0.0128125	0.009609	Zapata	
LAUREL MINERALS #15	0.0128125	0.009609	Zapata	
LAUREL MINERALS #16	0.0675	0.050625	Zapata	
LAUREL MINERALS #17	0.0675	0.050625	Zapata	
LAUREL MINERALS #18	0.0675	0.050625	Zapata	
MARTINEZ #1	0.15624499	0.117184	Zapata	<b>\$50,000</b>
MARTINEZ #2	0.15624499	0.117184	Zapata	
MARTINEZ #3	0.15624499	0.117184	Zapata	



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